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10 *Attorneys for Defendants*

11 MARC L. ANDREESSEN, LAWRENCE T.

BABBIO, SARI M. BALDAUF, RAJIV L.

12 GUPTA, JOHN H. HAMMERGREN, JOEL Z.

HYATT, JOHN R. JOYCE, ROBERT L.

13 RYAN, LUCILLE S. SALHANY, and

G. KENNEDY THOMPSON

14
15 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
16 **SAN JOSE DIVISION**

17 SAGINAW POLICE & FIRE PENSION FUND,)
Derivatively on Behalf of HEWLETT-)
18 PACKARD COMPANY,)

19 Plaintiff,

20 vs.

21 MARC L. ANDREESSEN, LAWRENCE T.)
BABBIO, SARI M. BALDAUF, RAJIV L.)
22 GUPTA, JOHN H. HAMMERGREN, MARK)
V. HURD, JOEL Z. HYATT, JOHN R. JOYCE,)
23 ROBERT L. RYAN, LUCILLE S. SALHANY,)
and G. KENNEDY THOMPSON,)

24 Defendants,

25 -and-

26 HEWLETT-PACKARD COMPANY,

27 Nominal Defendant.
28

Civil Action No: 5:10-CV-4720-LHK

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND TIME TO FILE
RESPONSE TO COMPLAINT AND TO
ESTABLISH BRIEFING SCHEDULE**

Courtroom: Courtroom 4, 5th Floor

Judge: Hon. Lucy H. Koh

Trial Date: Not Yet Set

1 Plaintiff Saginaw Police & Fire Pension Fund ("Saginaw") and Defendants Marc L.
2 Andreessen, Lawrence T. Babbio, Sari M. Baldauf, Rajiv L. Gupta, John H. Hammergren, Mark V.
3 Hurd, Joel Z. Hyatt, John R. Joyce, Robert L. Ryan, Lucille S. Salhany and G. Kennedy Thompson
4 and Nominal Defendant Hewlett-Packard Company ("HP") stipulate as follows:

5 WHEREAS, Plaintiff Saginaw filed this action captioned *Saginaw Police & fire Pension*
6 *Fund v. Marc L. Andreessen, et al.* (Case No. 5:10-CV-4720-LHK) in this Court on October 19,
7 2010;

8 WHEREAS, Nominal Defendant HP was served with process in this action no later than
9 October 21, 2010;

10 WHEREAS, Defendant Salhany was served with process in this action on October 22, 2010;

11 WHEREAS, Defendants Gupta, Joyce, and Thompson were served with process in this
12 action on October 23, 2010;

13 WHEREAS, Defendants Hammergren and Hyatt were served with process in this action on
14 October 24, 2010;

15 WHEREAS, Defendant Babbio was served with process in this action on October 25, 2010;

16 WHEREAS, Defendants Andreessen, Baldauf, and Ryan signed and returned Waivers of
17 the Service of Summons on November 1, 2010, requiring these defendants to answer, move or
18 otherwise respond to the complaint in this action on December 28, 2010;

19 WHEREAS, Defendant Hurd signed and returned a Waiver of Service of Summons on
20 November 10, 2010, requiring Defendant Hurd to answer, move or otherwise respond to the
21 complaint in this action on December 28, 2010;

22 WHEREAS, the parties agree that Defendants Andreessen, Babbio, Baldauf, Gupta,
23 Hammergren, Hurd, Hyatt, Joyce, Ryan, Salhany, and Thompson and Nominal Defendant HP
24 should have the same date to answer, move or otherwise respond to the complaint in this action,
25 and that the parties should establish a briefing schedule for any motions filed in response to the
26 complaint in this action, taking into account the winter holidays;

1 NOW, THEREFORE, the parties agree as follows:

2 1. Defendants Marc L. Andreessen, Lawrence T. Babbio, Sari M. Baldauf,
3 Rajiv L. Gupta, John H. Hammergren, Mark V. Hurd, Joel Z. Hyatt, John R. Joyce, Robert L. Ryan,
4 Lucille S. Salhany, and G. Kennedy Thompson and Nominal Defendant Hewlett-Packard Company
5 shall answer, move or otherwise respond to the complaint in this action on January 13, 2011.

6 2. Plaintiff Saginaw Police & Fire Pension Fund shall file its opposition brief to
7 any motion to dismiss, or any motion otherwise responding to, the complaint in this action on
8 February 28, 2011.

9 3. Defendants Marc. L Andreessen, Lawrence T. Babbio, Sari M. Baldauf,
10 Rajiv L. Gupta, John H. Hammergren, Mark V. Hurd, Joel Z. Hyatt, John R. Joyce, Robert L. Ryan,
11 Lucille S. Salhany, and G. Kennedy Thompson and Nominal Defendant Hewlett-Packard Company
12 shall file any reply briefs in further support of any motion to dismiss, or any motion otherwise
13 responding to, the complaint in this action on March 21, 2011.

14 4. Defendants Marc L. Andreessen, Lawrence T. Babbio, Sari M. Baldauf,
15 Rajiv L. Gupta, John H. Hammergren, Mark V. Hurd, Joel Z. Hyatt, John R. Joyce, Robert L. Ryan,
16 Lucille S. Salhany, and G. Kennedy Thompson preserve their rights to object to this action for
17 improper venue or lack of personal jurisdiction.

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5. This stipulation is made without prejudice to the parties later agreeing to a further stipulation extending the time to answer, move or otherwise respond to the complaint in this action, and without prejudice to any party later seeking an order from the Court seeking a new date to answer, move or otherwise respond to the complaint in this action.

DATED: November 11, 2010

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

By: _____

James E. Lyons
James E. Lyons

Four Embarcadero Center
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San Francisco, California 94111
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Attorneys For Defendants Marc L. Andreessen, Lawrence T. Babbio, Sari M. Baldauf, Rajiv L. Gupta, John H. Hammergren, Joel Z. Hyatt, John R. Joyce, Robert L. Ryan, Lucille S. Salhany and G. Kennedy Thompson

I, James E. Lyons, am the ECF User whose ID and password are being used to file this STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME TO FILE RESPONSIVE PLEADINGS AND TO ESTABLISH BRIEFING SCHEDULE. In compliance with General Order 45, X.B., I hereby attest that each of the three signatories below has concurred in this filing.

DATED: November __, 2010

ALLEN MATKINS LECK GAMBLE MALLORY &
NASTIS LLP

By: _____

Lawrence D. Lewis

1900 Main Street, 5th Floor
Irvine, California 92614
Telephone: (949) 553-1313
Facsimile: (949) 553-8354

Attorneys For Defendant Mark V. Hurd

5. This stipulation is made without prejudice to the parties later agreeing to a further stipulation extending the time to answer, move or otherwise respond to the complaint in this action, and without prejudice to any party later seeking an order from the Court seeking a new date to answer, move or otherwise respond to the complaint in this action.

DATED: November __, 2010

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By: _____

James E. Lyons

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Suite 3800
San Francisco, California 94111
Telephone: (415) 984-2683
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Attorneys For Defendants Marc L. Andreessen, Lawrence T. Babbio, Sari M. Baldauf, Rajiv L. Gupta, John H. Hammergren, Joel Z. Hyatt, John R. Joyce, Robert L. Ryan, Lucille S. Salhany and G. Kennedy Thompson

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DATED: November 10, 2010

ALLEN MATKINS LECK GAMBLE MALLORY & NASTIS LLP

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Lawrence D. Lewis

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Attorneys For Defendant Mark V. Hurd

1 DATED: November 10, 2010

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2
3 By: Franklin Brockway Gowdy

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8 *Attorneys For Nominal Defendant Hewlett-Packard*
9 *Company*

10 DATED: November __, 2010

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Mary K. Blasy

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14 San Diego, California 92101
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16 Facsimile: (619) 233-0508

17 *Attorneys For Plaintiff Saginaw Police & Fire Pension*
18 *Fund*

19 PURSUANT TO STIPULATION, IT IS SO ORDERED:

20 Dated: _____, 2010

21
22 HON. LUCY H. KOH
23 UNITED STATES DISTRICT JUDGE
24 NORTHERN DISTRICT OF CALIFORNIA
25
26
27
28

1 DATED: November __, 2010

MORGAN, LEWIS & BOCKIUS LLP

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3 By: _____

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5 San Francisco, California 94105-1596
6 Telephone: (415) 442-1000
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*Attorneys For Nominal Defendant Hewlett-Packard
Company*

8
9 DATED: November 10 2010

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10 By: _____


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16 Facsimile: (619) 233-0508

*Attorneys For Plaintiff Saginaw Police & Fire Pension
Fund*

17
18 PURSUANT TO STIPULATION, IT IS SO ORDERED:

19 Dated: _____, 2010

20
21 _____
22 HON. LUCY H. KOH
23 UNITED STATES DISTRICT JUDGE
24 NORTHERN DISTRICT OF CALIFORNIA
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28